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POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,  
INC., et al.,

Defendants.

) CIVIL NO. CV03-00385 SOM-LEK

) (Copyright)

)

) **DEFENDANT PCT'S RENEWED**

) **MOTION FOR JUDGMENT AS A**

) **MATTER OF LAW AGAINST**

) **ENTITLEMENT TO PROFIT AND**

) **VICARIOUS LIABILITY**

)

)

) Judge: Hon. Susan O. Mollway

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**DEFENDANT PCT'S RENEWED MOTION FOR JUDGMENT AS A  
MATTER OF LAW AGAINST ENTITLEMENT TO  
PROFIT AND VICARIOUS LIABILITY**

COMES NOW Defendant Post-Confirmation Trust ("PCT") by and through its attorneys, and hereby renews its motion before this Honorable Court for judgment as a matter of law that there is no evidence in the record to support any claim of profits resulting from the infringement of plaintiff's work. In addition, the PCT renews its motion against vicarious liability. This motion is based upon Rules 7 and 50(b) of the Federal Rules of Civil Procedure, and is supported by the attached Memorandum of Points and Authorities in Support of Defendant PCT's Motion for Judgment as a Matter of Law on Entitlement to Profits and Vicarious Liability.

DATED: Honolulu, Hawaii, March 23, 2006.

/s/ Thoms H. Yee

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